



August 25, 1999

Lieutenant Brad Lancaster
Amarillo Police Department
City of Amarillo
200 East 3rd
Amarillo, Texas 79101-1514

OR99-2407

Dear Lieutenant Lancaster:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127904.

The Amarillo Police Department (the "department") received two written requests from the same requestor, each seeking all of the department's records pertaining to different individuals. We agree with your contention that to the extent that the requestor is seeking all department records in which the named individuals are identified as a "suspect," the requestor, in essence, is asking that the department compile those individuals' criminal histories. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). Similarly, open records decisions issued by this office acknowledge this privacy interest. *See Open Records Decision Nos. 616 (1993), 565 (1990)*. We have indicated the records the department must withhold on privacy grounds.

You also contend that one of the offense reports at issue, Report No. 95-97263, is excepted from public disclosure pursuant to section 552.108(a)(2), which excepts from required public disclosure "information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that *did not result* in conviction or deferred adjudication." (Emphasis added.) This exception applies to records pertaining to criminal investigations and prosecutions that have concluded and did not result in a conviction or deferred adjudication. Because such is the case here, we conclude that section 552.108(a)(2) is applicable to Report No. 95-97263.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c).

Because you have raised no other applicable exception to disclosure, the department must release the "basic information" in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), including, but not limited to, a detailed description of the offense. All remaining information in this offense report may be withheld pursuant to section 552.108(a)(2) of the Government Code.

You have not raised an applicable exception for the remaining information at issue. Consequently, the department must release the remaining records to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/nc

Ref.: ID# 127904

Encl. Submitted documents

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